TEXT OF FINAL REGULATIONS

Proposed deletions are indicated by ~~striketout~~.
Proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 2. PESTICIDES
SUBCHAPTER 1. PESTICIDE REGISTRATION
ARTICLE 2. REGISTRATION REQUIREMENTS

Amend section 6172 to read:

6172. General Toxicity Data.

(a) The following data shall be submitted with every application for registration.

(1) Acute oral and dermal LD_{50} data on the product ~~and active ingredients~~.

(2) Acute LC_{50} data on products which produce a respirable aerosol or gas.

(3) Primary eye and skin irritation data on the product ~~and active ingredients~~.

(b) The following data in addition to the data required by (a), (1)-(3), shall be submitted with each application to register a product containing an active ingredient not previously registered when required by the U.S. EPA to support the full unconditional registration pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act. Pesticides which are determined to be biorational pesticides as determined by the director, may be exempted from the chronic toxicity data requirements.

(1) Results of a two-year feeding study for oncogenicity on active ingredients in two animal species.

(2) Results of a teratogenicity study and a two-generation combined male-female reproductive study on active ingredients.

(3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.

NOTE: Authority cited: Sections 12781 and 12824, Food and Agricultural Code.
Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

SUBCHAPTER 1. PESTICIDE REGISTRATION
ARTICLE 3. SUPPLEMENTAL DATA REQUIREMENTS

Amend section 6192 to read:

6192. Other Data.

Each applicant to register a pesticide ~~produce~~ product shall submit to the director any other data determined by the director to be necessary to carry out the provisions of Section 12824 of

the Food and Agricultural Code. Each data request pursuant to this section shall include the director's reason for the request. Such data may include, but is not limited to the following:

(a) Pesticide drift.

(b) Phytotoxicity.

(c) Environmental effects.

(d) Analytical and environmental chemistry.

(e) The effect from the use of mixtures of two or more products in combination.

(f) Contaminants in pesticide products.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

SUBCHAPTER 1. PESTICIDE REGISTRATION
ARTICLE 4. CONDITIONAL REGISTRATION

Amend section 6200 to read:

6200. Conditional Registration.

The director may waive specific data requirements in this subchapter for a period reasonably sufficient, not to exceed three years, for the generation and submission of such required data provided:

(a) The pesticide product is registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, the product is to be used under a Federal Experimental Use Permit, or the product is for use in California only.

(b) The applicant has provided the director with all data the applicant has available required by the U.S. EPA and by this subchapter to support registration of the pesticide product.

(c) No conditional registration shall be granted unless the data includes all of the following:

(1) Acute oral and dermal LD_{50} data on the product ~~and active ingredients~~.

(2) Acute LC_{50} data on products which produce respirable aerosols or gases.

(3) Primary eye and skin irritation data on the product ~~and active ingredients~~.

(4) When human contact is likely with soils or foliage containing residues, foliar and soil residue data as specified in Sections 6181 and 6182, sufficient to establish safe reentry level or interval.

(5) Analytical methods to determine residues of (1) each active ingredient and (2) each toxic metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of the Federal Regulations. Test methods shall, as applicable, allow the director to determine residues in or on plant tissue, soil, and water.

(6) Preliminary efficacy data indicating the product is effective for the proposed use.

(d) The director complies with Section 6158.

(e) That each item of data waived is for a specific period.

Such period shall be no more than necessary for the applicant using good faith efforts to develop the information required by Sections 6176-6179, 6180(a), 6181-6183.

(f) The director makes a written finding, supported by substantial evidence, that the use of the pesticide during the periods while data are being developed, is not expected to cause any

significant adverse effect on the environment, that a clear need for the use of the product in California exists while the data is being developed, and that specified benefits of using the pesticide outweigh specified risks to human health and the environment.

(g) The director requires the use of the best pest control methods and technology available including, but not limited to, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms or areas.

(h) Each registrant be required to submit a report to the director annually (with product renewal application if such a waiver extends over January 1 of any year) and whenever specifically requested by the director, detailing progress made towards development of each item of the waived data.

(i) Where the application is for a pesticide product containing a new active ingredient, the applicant has provided the following data in addition to the data required by section 6200(c), (1)-(6) when required by the U.S. EPA to support the full unconditional registration of the product pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act and when specifically requested by the director:

(1) Results of a two-year feeding study on oncogenicity on active ingredients in at least one animal species.

(2) Results of a teratogenicity study and one generation of a two-generation combined male-female reproductive study on active ingredients.

(3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.

(4) Data to support medical management of poisoning or injury.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

SUBCHAPTER 1. PESTICIDE REGISTRATION
ARTICLE 12. CONSULTATION AND PUBLIC REVIEW

Amend section 6353 to read:

6252. Pesticide Registration, Renewal, and Reevaluation <u>Consultation</u>.

This section applies to the registration, renewal of registration, and reevaluation of pesticides. The Department shall consult on decisions proposed pursuant to this section with public agencies which have jurisdiction by law over the use of pesticides or over activities or resources which may be affected by the use of pesticides. In doing so, the director shall establish an interagency advisory committee that shall be known as the Pesticide Registration and Evaluation Committee. This committee shall meet bimonthly or more often when requested by the director. The Pesticide Registration and Evaluation Committee shall consist of the following members:

(a) The Director of the Department of Pesticide Regulation or his or her designee who shall serve as chair of the committee;

(b) A representative from each of the other boards, offices, and departments in the California Environmental Protection Agency:

(1) The Air Resources Board;

(2) The Office of Environmental Health Hazard Assessment;

(3) The Integrated Waste Management Board;
(4) The State Water Resources Control Board;
(5) The Department of Toxic Substances Control.

(c) A representative from each of the following state agencies:
(1) The Department of Food and Agriculture;
(2) The Department of Fish and Game;
(3) The Department of Industrial Relations;
(4) The Department of Health Services;
(5) The Structural Pest Control Board in the Department of Consumer Affairs;
(6) The University of California;

(d) A representative from each of the following federal agencies:
(1) The U.S. Department of Agriculture/Agricultural Research Service;
(2) The U.S. Environmental Protection Agency, Region IX.

(e) The President of the California Agricultural Commissioners and Sealers Association or his or her designee;

(f) A representative of any other public agency that the Director of the Department of Pesticide Regulation deems appropriate after consultation with the existing committee membership.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code.
Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.